

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RALPH HOWARD BLAKELY,	)	CASE NO. C07-1803-RAJ-MAT
	)	
Plaintiff,	)	
	)	
v.	)	ORDER RE: PENDING MOTIONS
	)	
HERB SNIVELY, et al.,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff Ralph Howard Blakely proceeds *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983 civil rights case. A number of motions are currently pending before the Court. *See* Dkts. 17, 19, 22-23.)<sup>1</sup> Now, having considered all documents filed in support and in opposition to the pending motions, the Court does hereby find and ORDER:

(1) Defendants seek an extension of ninety days, until June 3, 2008, for the completion of discovery. (Dkt. 17.) Defendants note that the service of summons and complaint is not yet complete, that a large volume of medical records from different correctional facilities must be obtained, and that, as yet, only two of the six remaining defendants in this case have been identified. ( *See* Dkt. 18.) Plaintiff does not object to the extension. (Dkt. 20.) Finding defendants' request reasonable, the Court GRANTS defendants' Motion for Extension of

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<sup>1</sup> Plaintiff's pending motion for a preliminary injunction (Dkt. 24) is separately addressed in a Report and Recommendation.

01 Discovery Cutoff (Dkt. 17). The deadlines in this case are hereby revised as follows: (a) discovery  
02 cutoff – **June 3, 2008**; (b) dispositive motion deadline – **July 1, 2008**; and (c) joint pretrial  
03 statement deadline – **September 23, 2008**.

04 (2) Plaintiff filed a Motion for Production of Documents Pursuant to Rule 34,  
05 accompanied by a Memorandum in Support of Motion to Compel. (Dkt. 19.) However, as noted  
06 by defendants, this filing is not properly considered as a motion to compel pursuant to Federal  
07 Rule of Civil Procedure 34 given that defendants have not refused to respond to discovery  
08 requests. Instead, defendants are treating this motion as plaintiff's first request for production of  
09 documents and indicate that they will respond within the applicable time limit. (*See* Dkts. 26 &  
10 27.) Accordingly, plaintiff's motion for production of documents (Dkt. 19) is hereby STRICKEN  
11 from the docket.

12 (3) Plaintiff seeks to amend his original complaint with an appendix of exhibits. (Dkt.  
13 23.) Defendants do not object to this request. ( *See* Dkt. 26 at 2.) Finding plaintiff's request  
14 reasonable, the Court GRANTS his Motion to Amend (Dkt. 23).

15 (4) Plaintiff also seeks the appointment of counsel. (Dkt. 22.) There is no right to  
16 have counsel appointed in cases brought under § 1983. Although the Court, under 28 U.S.C. §  
17 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, plaintiff has  
18 shown neither exceptional circumstances, nor an inability to articulate his claims *pro se* that would  
19 warrant the appointment of counsel. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.  
20 1986). Accordingly, plaintiff's Motion for Appointment of Counsel (Dkt. 22) is DENIED.

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01 (5) The Clerk is directed to send copies of this Order to plaintiff, to defendants, and  
02 to the Honorable Richard A. Jones.

03 DATED this 5th day of February, 2008.

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05 Mary Alice Theiler  
06 United States Magistrate Judge